



THURSDAY, 8 OCTOBER 2020	
Sent prior to event	<p>Opening Remarks Ryan Hartfield, AMPLA President</p>

TUESDAY, 13 OCTOBER 2020	
NATIONAL ONLINE SESSION 1 Chairperson: Georgia Quick	
CPD Points: 1 point, Competency Area 4 (Substantive Law) 0.5 points, Competency Area 2 (Professional Skills)	
1430 – 1600 AEDT	<p style="text-align: center;">Renewables – A New Wave of Dispute Issues Judith Levine, Independent Arbitrator</p> <p>In recent years there has been significant investment in renewables projects throughout Australia and internationally. These projects bring technical challenges, especially with Grid connection issues, new entrants into the contracting market and the additional complexity of Joint Venture arrangements and funders requirements. In addition to commercial disputes there are changing regulatory frameworks which add potential investor state claims into the mix.</p> <p style="text-align: center;">Live Panel Judith Levine, Independent Arbitrator Kim Middleton, Marque Lawyers Mindy Chia, Dutch Investment Fund</p> <p style="text-align: center;">Live Q&A</p>

THURSDAY, 15 OCTOBER 2020

NATIONAL ONLINE SESSION 2

Chair: Sam Luttrell

CPD Points:

1 point, Competency Area 2 (Professional Skills)
0.5 points, Competency Area 3 (Ethics and Professional Responsibility)

Due Diligence 2.0 – Are You Mapping All the Risks a Client Needs to Know?

John Southalan, Barrister

Lawyers in the resources and energy sector are well versed in undertaking appropriate due diligence for clients looking to acquire an interest in an existing project. Most due diligence reports follow a familiar pattern of assessing and commenting on issues such as:

- Corporate structure
 - Major contracts
- Off take arrangements
- Tenures and tenements
- Environmental approvals
- Native title and cultural heritage
 - Real estate
- Industrial relations and HR issues
 - Tax
 - Finance

However in 2020 it is readily apparent that there needs to be an assessment of risks to a project well beyond these “hard law” issues. A due diligence report stating that a project holds all approvals under local law necessary to operate does not mean that a project has community support, is not the target of activism, has not been the subject of criticism of failing to meet well regarded international standards, or is not suffering from allegations about human rights deficiencies in its supply chain.

This presentation will seek to arm attendees with the tools to consider what further issues should be the subject of due diligence in the energy and resources sector to ensure that clients understand where a project sits with respect of both “hard laws” and what are commonly referred to as “soft laws”. Through present day case studies the presenters will also show how projects have been severely impacted by ignoring these “soft law” issues.

Finally, the presentation will put forward a suggested index of issues that may be relevant in this space when designing an improved due diligence process, including:

- The reach and impact of key international standards such as the OECD Guidelines for Multinational Enterprises
- The importance of understanding how financiers will assess a project, including against the newly amended Equator Principles
- The pressures brought by shareholder activism, increased litigation against projects and civil action against projects that are perceived to not meet community expectations
- Modern operational issues beyond the project boundary such as human rights and supply chain matters upstream and downstream and the responsibility of the project in that space

The overarching theme will show that the exhausted term “social licence to operate” has been overtaken by the real need of assessing environmental, social and governance risks when making critical investment decisions.

1430 – 1600
AEDT

	Live Panel John Southalan, Barrister Gavin Scott, Norton Rose Fulbright Simon Currie, Energy Estate
	Live Q&A

TUESDAY, 20 OCTOBER 2020	
NATIONAL ONLINE SESSION 3 Chair: Nadia Kalic	
CPD Points: 1 point, Competency Area 4 (Substantive Law) 0.5 points, Competency Area 2 (Professional Skills)	
1430 – 1600 AEDT	Financing in a Changing Landscape... Peter Wilkes, Partner, Allen & Overy
	<p>Alternative Sources of Finance for the Energy & Resources sector: Noting some of the challenges in sourcing capital from the tradition bank and debt capital markets, this presentation provides an overview on some alternative sources of funding for energy & resource projects. It will touch on:</p> <ul style="list-style-type: none"> • Royalty and streaming financing; • Prepaid offtake; • Commodity and inventory finance; • Convertible bond/hybrid instruments.
	Live Panel Peter Wilkes, Partner, Allen & Overy Iain Melhuish, Macquarie Capital Group
	<p>A discussion of the key considerations and challenges relevant to different sources of funding. The Panel will provide insights, from a banks, funds and borrower's perspective, into the key issues they consider and need to address in deciding to fund an energy & resource project. How important are social, environmental, human rights, political and policy considerations? What are the return hurdles? Does the project have to be in production? Are creditworthy offtakers a prerequisite? What is the impact of capital allocation? These factors and more will be explored with our panellists.</p>
	Live Q&A

THURSDAY, 22 OCTOBER 2020

NATIONAL ONLINE SESSION 4
Chair: Nicholas Andreatidis QC

CPD Points:
1.5 points, Competency Area 4 (Substantive Law)

1430 – 1600 AEDT	<p>Caution, Contract Under Construction: Recent Developments in the Construction & Application of Dispute Resolution Clauses Nicholas Andreatidis QC, Level Twenty Seven Chambers, Australia Angus O'Brien, Level Twenty Seven Chambers, Australia</p> <p>Commercial contracts frequently contain clauses governing the parties' rights in the event of a dispute. The application of these clauses is an area of continuing vitality, reflecting an ongoing appetite for "litigation about where to litigate". This session will address recent developments in this area with a focus on three aspects. First, the principles governing the construction of dispute resolution clauses, particularly agreements for arbitration and expert determination. Second, the law governing an arbitration agreement; in particular, when it may differ from the governing law of the contract. Third, the application of dispute resolution clauses in multi-party disputes, particularly the import of the doctrine of privity of contract.</p>
	<p>Live Panel Nicholas Andreatidis QC, Level Twenty Seven Chambers, Australia Angus O'Brien, Level Twenty Seven Chambers, Australia Cameron Sim, Debevoise & Plimpton, Hong Kong Simon Bellas, Jones Day, Singapore</p> <p>The panel will outline recent developments in these areas in Australian and English law, while also touching on points of similarity and difference in Hong Kong and Singapore, and sharing practical insights into managing complex disputes in different fora.</p>
	<p>Live Q&A</p>

TUESDAY, 27 OCTOBER 2020

NATIONAL ONLINE SESSION 5
Chair: Julia Gonclaves

CPD Points:
1 point, Competency Area 4 (Substantive Law)
0.5 points, Competency Area 2 (Professional Skills)

1430 – 1600 AEDT	<p>New Connections – Where To from Here? Peter Davies, Herbert Smith Freehills</p> <p>Connection risk has become a key issue in the renewables sector. There are multiple facets to this risk, ranging from a prolonged connection process, to possible curtailment post connection and the impact of changes to MLF. In this presentation we will explore how the renewables industry and the energy system ended up in this position and what are the specifics of the problems we are facing. We'll also discuss what impact this is having on investment and the transition of our energy system away from coal and towards renewables.</p>
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	<p>Live Panel Peter Davies, Herbert Smith Freehills Speakers TBA</p> <p>Our expert panel will discuss what is being done or what could be done, to address the issues and risks facing this industry, including;</p> <ul style="list-style-type: none"> • Regulatory change and new grid services markets • Innovative approaches within the current regulatory construct <p>• Better transparency of system strength, network capacity and other projects in the pipeline</p> <p>• More proactive transmission and system strength planning and investment</p>
	<p>Live Q&A</p>

<p>THURSDAY, 29 OCTOBER 2020</p>	
<p>NATIONAL ONLINE SESSION 6 Chair: Tanya Denning</p>	
<p>CPD Points: 1 point, Competency Area 4 (Substantive Law) 0.5 points, Competency Area 2 (Professional Skills)</p>	
<p>1430 – 1600 AEDT</p>	<p style="text-align: center;">Climate Change - The Growing Challenge for Climate Impacted Organisations to Achieve Social Acceptance and Financial Survival Diane Smith-Gander AO, Wesfarmers Director</p> <p>The gloves are off and climate change reporting is now front and centre for both corporates and regulators, and for different reasons. Corporates, in an effort to bolster social acceptance of their undertakings (and survival), are responding to the swelling public call for aggressive action on climate change issues. Regulators, on the other hand, are alive to the potential impacts which poor climate change strategy can have on short and long term financial performance and the need to ensure markets can 'see' this impact in regular reporting. Either way, climate change is on every board's agenda - whether for PR or compliance purposes.</p> <p>This session looks firstly at how financial regulators (equity and debt) are newly creating tools to keep climate change impacting organisations accountable and how companies and directors need to respond in order to comply. The session then turns to consider the counterparty - the debt and equity providers - and the factors they take into account in assessing risk and financial performance for such organisations and how that drives their investment appetite and strategy.</p>
	<p>Live Panel Diane Smith-Gander AO, Wesfarmers Director Elisa De Wit, Norton Rose Fulbright Cameron McPhie, Inpex Graham Winkelman, BHP</p>
	<p>Live Q&A</p>

FRIDAY, 30 OCTOBER 2020

Sent post
event

Closing Remarks / 2021 Announcement
Hemang Shah, NSW Committee President
Gordon Bunyan, AMPLA